

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOE, a minor, by his next friend
THEREZA AMADOR,

Plaintiff,

Case No. 18-12925

v.

HON. GEORGE CARAM STEEH

FIRST STUDENT, INC.,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION
TO SET ASIDE DEFAULT AND TO FILE ANSWER (DOC. 7)

Plaintiff filed this action on September 17, 2018. After Defendant failed to answer, Plaintiff sought a clerk's entry of default, which was entered on December 10, 2018. On December 26, 2018, Defendant filed a motion to set aside the default pursuant to Fed. R. Civ. P. 55(c), which provides that the "court may set aside an entry of default for good cause." Plaintiff has not filed a response to Defendant's motion.

Defendant contends that it did not willfully fail to respond to the complaint, but that the parties were attempting to negotiate a settlement and agreed that Defendant need not file an answer in the meantime. In determining whether good cause exists, the district court must consider:

“(1) [w]hether culpable conduct of the defendant led to the default, (2) [w]hether the defendant has a meritorious defense, and (3) [w]hether the plaintiff will be prejudiced.” *United States v. \$22,050.00 U.S. Currency*, 595 F.3d 318, 324 (6th Cir. 2010).

The standard for setting aside the default has been met here. No culpable conduct of Defendant has led to the default, Defendant contends that it has a meritorious defense, and the court perceives no prejudice to Plaintiff in litigating this matter on the merits.

Therefore, IT IS HEREBY ORDERED that Plaintiff’s motion to set aside the default is GRANTED. Plaintiff shall have until **February 22, 2019**, to answer or otherwise respond to the complaint.

Dated: February 5, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE